

## REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the pending Office Action, the Examiner rejected claims 1, under 35 U.S.C. §102(b) as allegedly being anticipated by Fuji '768 (U.S. Pat. No. 5,594,768); rejected claim 2, under 35 U.S.C. §103(a) as allegedly being unpatentable over Fuji '768 in view of Lambert '922 (U.S. Pat. No. 4,105,922); rejected claim 3, under 35 U.S.C. §103(a) as allegedly being unpatentable over Fuji '768 in view of Eberhard '884 (U.S. Pat. No. 5,278,884); rejected claim 4, under 35 U.S.C. §103(a) as allegedly being unpatentable over Fuji '768 in view of Matsuda '127 (U.S. Pat. No. 3,973,127); rejected claim 5, under 35 U.S.C. §103(a) as allegedly being unpatentable over Fuji '768 in view of Matsuda '127 and Niwa '320 (JP 2003-024320); and rejected claim 6, under 35 U.S.C. §103(a) as allegedly being unpatentable over Fuji '768 in view of Lambert '922 and Eberhard '884. The Examiner also objected to claim 5 for a minor informality and rejected claims 2, 3, and 6, under 35 U.S.C. §112, ¶2, as allegedly containing indefinite terms. The Examiner also indicated in the summary that the Drawings were objected to but provided no explanation addressing the objections.

By this Amendment, claims 1-4 and 6 has been amended for form and clarity while new matter has been added. As such, claims 1-6, are currently presented for examination of which claims 1 and 4 are independent.

By virtue of the changes to claims, the objections and §112, ¶2 rejections have been overcome. Accordingly, the immediate withdrawal of these objections and rejections is respectfully requested.

Insofar as the rejections are still deemed relevant in view of the claim changes, Applicants traverse the §102 and §103 rejections for the following reasons:

I. Rejections Under §102 & §103.

As noted above, independent claim 1 is directed to an x-ray tomography and positively recites an x-ray generator having a function of moving a focal position and radiating x-rays toward a subject, ***the X-ray generator being fixed*** and a planar X-ray image receiving element configured to receive a plurality of transmission images of the subject formed by the X-rays radiated from the X-ray generator while the focal position is moved, ***the planar X-ray image receiving element being fixed***. Claim 1 also positively recites that the subject is fixed between the x-ray generator and the planar X-ray image receiving element and ***the X-ray generator has a radiation plane which is parallel to the planar X-ray image receiving element and the focal position of the X-ray generator is rotatable on a circumference on the radiation plane.***

Applicant submits that these features are amply supported and described by the embodiments disclosed throughout the written description. By way of illustration, the disclosed embodiments provide a configuration in which the tomographic image of the subject can be obtained easily without implementing a movable mechanism for moving the X-ray generator, the X-ray image receiving element, or the subject. Also, a tomographic image of a soft subject can also be obtained.

The disclosed embodiments also provide a configuration in which tomographic images corresponding to the individual tomographic planes can be obtained by a single rotation, such as moving a focal position along the circumference, so that the processing speed of the tomographic image can be enhanced and the time required to obtain the tomographic image can be decreased, regardless of the size of the subject.

With this said, Applicant respectfully submits that, despite the Examiner's contentions, none of the asserted references, whether taken alone or in reasonable combination, remotely suggest each and every element of claim 1 including, for example, the features identified above. In particular, the primary reference, Fuji '768, discloses a laminographic system that comprises an X-ray generator having a function of moving a focal position and radiating X-rays toward a subject, an X-ray image receiving element for receiving a plurality of transmission images of the subject formed by the X-rays radiated

from the X-ray generator, and an image processing section for creating a tomographic image by processing the plurality of transmission images of the subject received by the X-ray image receiving element.

However, there is nothing in Fuji '768 that remotely suggests that the X-ray generator and the planar X-ray image receiving element are fixed. As such, Fuji '768 clearly fails to suggest an x-ray generator having a function of moving a focal position and radiating x-rays toward a subject, ***the X-ray generator being fixed*** and a planar X-ray image receiving element configured to receive a plurality of transmission images of the subject formed by the X-rays radiated from the X-ray generator while the focal position is moved, ***the planar X-ray image receiving element being fixed***, as required by claim 1.

Moreover, Fuji '768 is devoid of teaching that the X-ray generator has a radiation plane which is parallel to the planar X-ray image receiving element and the focal position of the X-ray generator is rotatable on a circumference on the radiation plane. As such, Fuji '768 clearly fails to suggest that the subject is fixed between the x-ray generator and the planar X-ray image receiving element and ***the X-ray generator has a radiation plane which is parallel to the planar X-ray image receiving element and the focal position of the X-ray generator is rotatable on a circumference on the radiation plane***, as also required by claim 1.

Applicant further notes that none of the remaining references are capable of curing the deficiencies of Fuji '768 noted above. Thus for at least the aforementioned reasons, Applicant submits that claim 1 is clearly patentable over the asserted references. And, because claims 2-3, depend from claim 1, claims 2-3 are patentable at least by virtue of dependency as well as for their additional recitations.

Further, because independent claim 4 recites similar patentable features as claim 1, claim 4 is patentable at least for similar reasons as claim 1. And, because claims 5-6, depend from claim 4, claims 5-6 are patentable at least by virtue of dependency as well as for their additional recitations. Accordingly, the immediate withdrawal of the §102 and §103 rejections is respectfully requested.

## CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

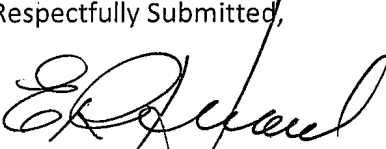
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

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Respectfully Submitted,

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